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No. 1218

IN THE

Supreme Court of the United States

OCTOBER TERM, 1969

RALPH MOODY HALL,

Appellant,

v.

ELMER C. BAUM,
Chairman of the State Democratic
Executive Committee of Texas,

Appellee.

ON APPEAL FROM THE SUPREME COURT OF TEXAS

MOTION UNDER RULE 43(4) FOR EXPEDITIOUS TREATMENT

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The federal constitutional right appellant claims in this case will be seriously impaired and may be irretrievably lost unless this Court acts more promptly than is necessary in most cases.

Appellant's objective in this litigation is to have his name on the ballot in the Democratic gubernatorial primary election in Texas. The primary is to be held on May 2, 1970. The State Democratic Executive Committee will meet on March 9 to certify the eligible candidates and to take other action as well. The results will then be forwarded to the chairmen of the 254 county executive committees. Each

county committee will meet on March 16 to determine the order of placement of names on the ballot. The primary committee of each county executive committee will meet on March 23 to approve the primary ballot. Ballots may be printed during the week of March 16-23 and will certainly be printed within a few days after March 23. Absentee voting occurs during April.

We therefore request that appellee be directed to respond to appellant's Jurisdictional Statement no later than February 26, 1970. By letter dated February 18 and hand delivered on that day, counsel for appellee was notified of appellant's intention to appeal to this Court and to file in this Court a motion asking for expedited treatment. Additionally, appellee offered to cooperate and did cooperate in expediting a ruling by the Supreme Court of Texas in order to determine the merits prior to March 9.

Appellant is willing to waive further briefs and argument and submit upon the Jurisdictional Statement and any response appellee may file or to meet any time schedule for further briefing or argument or both that suits the Court's convenience.

Application has been made this day to Mr. Justice Black as Circuit Justice for the Fifth Circuit for temporary relief to prevent appellee from certifying a list of eligible candidates that does not include appellant's name, pending disposition of this litigation. An application asking such relief was denied and dismissed by the Texas Supreme Court on February 18.

Respectfully submitted,

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February 21, 1970